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ACTION DHA-05

INFO OCT-01 ARA-10 ISO-00 SS-15 INR-07 L-03 SP-02
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P R 072030Z SEP 77
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 2124
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

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C O R R E C T E D C O P Y (TEXT (PARAS 7-8-9 ADDED))

E.O. 11652: GDS
TAGS: SHUM, PFOR, AR, PINS
SUBJECT: DERIAN VISIT WITH ADMIRAL MASSERA

REF: (A) BUENOS AIRES 6221 (B) STATE 192822

1. AT HIS REQUEST, U.S. COORDINATOR FOR HUMAN RIGHTS
PAT DERIAN MET WITH JUNTA MEMBER MASSERA ON MORNING OF
AUGUST 10. THE ADMIRAL STRESSED THAT ARGENTINA WAS IN
THE PROCESS OF RETURNING TO NORMAL LEGAL PROCEDURES AND
THAT MUCH PROGRESS HAD BEEN MADE SINCE MS. DERIAN'S
LAST VISIT. MRS. DERIAN EXPRESSED HER HOPE THAT
NORMALIZATION COULD BE ACCOMPLISHED SOON AND IN SUCH A
WAY THAT ALL LEVELS OF THE SECURITY APPARATUS WOULD
UNDERSTAND IT.

2. THE ADMIRAL STARTED THE CONVERSATION BY STRESSING
THAT PROGRESS WAS BEING MADE IN CONTROLLING THE
SITUATION. WHILE NOTING THAT FALSE INFORMATION CIRCULATES, AND

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SOME INCIDENTS CONTINUE TO OCCUR ("SOME GROUPS STILL ESCAPE US")
HE STRESSED THAT THE END WAS IN SIGHT. MRS. DERIAN EXPRESSED HER
HOPE THAT THIS WAS THE CASE AND NOTED TWO THINGS OF PARTICULAR
CONCERN TO THE USG: (1) THE LARGE NUMBER OF DISAPPEARED AND (2)

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Department of State, A/GIS/IPS/SRP
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THE CONDITIONS OF BEING HELD INCOMMUNICADO WHERE PEOPLE ARE TREATED TOO HARSHLY. SHE SAID SHE HOPED NEW PROCEDURES WILL BE INTRODUCED.

3. ADMIRAL MASSERA SAID HE DID NOT KNOW WHAT NUMBERS PRESIDENT VIDELA OR ADMIRAL ALLARA HAD PROVIDED REGARDING THE NUMBER OF PEOPLE CHARGED OR TAKEN ILLEGALLY BUT HE SAID THE LAST FEW MONTHS SHOWED RAPID PROGRESS. HE EXPLAINED THAT THE ARGENTINE ARMY WAS SOMEWHAT DIFFERENT FROM OTHERS IN THAT ITS ORGANIZATION CONTAINED CORPS COMMANDERS WHO HAD SOME INDEPENDENCE ADMINISTERING INTERNAL SECURITY BUT SAID THAT THIS DID NOT MEAN THAT PRESIDENT VIDELA WAS NOT IN CONTROL. HE ADVISED THAT THERE COULD BE A DIFFERENCE BETWEEN THE IMPRESSION RECEIVED OF THE CURRENT SITUATION AND THE ACTUAL REALITY.

4. MRS. DERIAN EXPRESSED HER CONCERN OVER THE NUMBER OF PEOPLE WHO DON'T KNOW IF MEMBERS OF THEIR FAMILY ARE DEAD OR ALIVE. SHE MENTIONED THAT LABOR LEADERS AND OTHERS HAVE BEEN IN JAIL SINCE 1975. SHE SAID THAT THE LEGAL SYSTEM SEEMS TO HAVE GROUND TO A HALT, E.G., PEOPLE WERE PICKED UP AND NEVER CHARGED, SOME WERE HELD WITH NO EVIDENCE AGAINST THEM, SOME WERE TRIED AND FOUND INNOCENT BUT STILL DETAINED. SHE EXPLAINED THAT AFTER A PERIOD OF TIME THE GOVERNMENT, HAVING WON THE FIGHT AGAINST TERRORISM, SHOULD SHOW ITS STRENGTH BY SAYING TO THE PEOPLE THAT IT HAS WON BUT IT NEEDS HELP IN THIS MOP-UP PHASE. SHE SAID THE TERRORISTS ACHIEVE THEIR MAIN OBJECTIVE OF DESTROYING THE LEGAL INSTITUTIONS OF THE STATE IF THE GOVERNMENT DOESN'T ADMIT IT HAS WON THE WAR AND MUST NOW RETURN TO THE JUDICIAL SYSTEM BY BRINGING THOSE DETAINED TO TRIAL. SHE CITED THE CASE

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OF JACOBO TIMMERMAN AS AN EXAMPLE, ADDING HE HAS BEEN MISTREATED WHILE UNDER DETENTION. ADMIRAL MASSERA SAID HE DIDN'T BELIEVE TIMMERMAN HAD BEEN MISTREATED ALTHOUGH HE MAY HAVE SAID HE HAS BEEN.

5. RETURNING TO THE GENERAL SITUATION, MRS. DERIAN SAID THAT MANY PEOPLE IN THE ARGENTINE GOVERNMENT HAD TOLD USG REPRESENTATIVES THAT THE NAVY IS RESPONSIBLE FOR ABUSES WHICH OCCUR WHEN PEOPLE ARE TAKEN INTO CUSTODY AND INTERROGATED BEFORE THEY ENTER THE SYSTEM. ADMIRAL MASSERA RESPONDED THAT, WHILE HE DOESN'T WISH TO GIVE THE APPEARANCE OF "WASHING HIS HANDS OF THE MATTER," INTERNAL SECURITY IS NOT THE NAVY'S RESPONSIBILITY, THAT THE NAVY HAS VIRTUALLY NO BUENOS AIRES JURISDICTION AND WHEN IT DOES DO SOMETHING IN THIS AREA IT DOES SO WITH THE KNOWLEDGE OF THE ARMY. HE

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SAID THAT THOSE WHO SAY OTHERWISE ARE TRYING TO DECEIVE. MRS. DERIAN SAID THAT ON HER PRIOR VISIT SHE HAD BEEN TOLD THAT ONE OF THE WORST INTERROGATION CENTERS WAS THE NAVY MECHANICAL SCHOOL IN BUENOS AIRES. THE ADMIRAL DENIED THIS, SAYING THAT THE NAVY'S ENTIRE ANTI-SUBVERSIVE ROLE WAS CARRIED OUT BY NO MORE THAN THIRTY PEOPLE.

6. MRS. DERIAN SAID THAT WHEN SHE WAS IN ARGENTINA BEFORE THERE WAS A GENERAL ATTITUDE THAT THE WAR AGAINST TERRORISM WAS COMING TO AN END BUT WAS NOT REALLY OVER. THIS TIME SHE GOT THE DISTINCT IMPRESSION THAT EVERYONE CONCLUDES THE WAR IS NOW OVER AND THE GOVERNMENT HAS NOW REACHED THE EQUALLY DIFFICULT PHASE OF GETTING BACK TO NORMAL DEMOCRATIC PROCEDURES. SHE ADVISED THAT THE PEOPLE BECOME IMPATIENT IF THIS PHASE TAKES TOO LONG TO CARRY OUT. SHE MENTIONED THAT SHE HAD DISCUSSED THIS PROBLEM WITH THE MINISTER OF ECONOMY AND THAT HE GAVE HER THE IMPRESSION THAT HE, TOO, WAS WORRIED ABOUT TIME. SHE REFERRED TO THE LEGISLATION PASSED IN THE U.S. CONGRESS WHICH SETS A ONE YEAR TIME LIMIT ON CONTINUING CERTAIN RELATIONSHIPS WHICH WE HAVE WITH ARGENTINA. SHE SAID THAT INTERNATIONAL OPINION WAS BECOMING MORE AND MORE CRITICAL OF THE HUMAN RIGHTS SITUATION

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IN ARGENTINA AND SAID IT WOULD BE DEVASTATING IF ARGENTINA BECAME THE NEXT CHILE IN THE EYES OF THE INTERNATIONAL COMMUNITY. MRS. DERIAN EXPLAINED THAT SHE THINKS THERE ARE PEOPLE OF GREAT INTEGRITY IN THE GOVERNMENT WHO HOLD THE SAME VALUES THAT BOTH OUR CONSTITUTIONS INSCRIBE FOR OUR CITIZENS AND THAT SHE FEELS VERY UNHAPPY THAT THERE IS SUCH A DIFFERENCE BETWEEN THEORY AND PRACTICE.

7. THE ADMIRAL RESPONDED THAT, WHILE HE COULDN'T TALK OF A TIME PERIOD, THAT HE HAD NO CRYSTALL BALL WITH WHICH TO PREDICT, ARGENTINA WAS ON THE ROAD TO NORMALIZATION. HE ADMITTED THAT IN THE ROUGH BATTLE AGAINST TERRORISM SOME THINGS GOT OUT OF HAND, BUT THAT THERE HAS BEEN REAL IMPROVEMENT SINCE MARCH. HE REFERRED TO ONE OF HIS OFFICERS ESPECIALLY DESIGNATED TO RECEIVE PEOPLE LOOKING FOR THEIR RELATIVES AND SAID HIS CASE LOAD HAD DROPPED MARKEDLY.

8. MRS. DERIAN REFERRED TO THE RECENT CASE OF THE LAWYERS AND THEIR WIVES WHO HAD BEEN KIDNAPPED AND THE CASE OF THE ARGENTINE AMBASSADOR TO VENEZUELA. ADMIRAL MASSERA SAID THE AMBASSADOR'S CASE WAS CLEARLY POLITICAL, THAT HE KNEW SOME PEOPLE BLAMED THE NAVY FOR IT, THAT SOMETHING

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ELSE WAS INVOLVED, PERHAPS, A LEFTIST GROUP TRYING TO MAKE TROUBLE FOR THE GOVERNMENT. HE SAID HE DOESN'T BELIEVE THAT ONE OF THE GOVERNMENT'S FORCES OUT OF CONTROL IS RESPONSIBLE, AS THIS WOULD GO AGAINST THE GOVERNMENT AND DOESN'T MAKE SENSE.

9. MRS. DERIAN SAID THAT BECAUSE OF THE DISORDER SO MANY CAN OPERATE THINKING THEY HAVE THE APPROVAL OF EITHER THE GOVERNMENT OR THE PEOPLE, THAT THE LEFT WING HAS BEEN LICKED BUT A MONSTER CREATED. ADMIRAL MASSERA SAID HE
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DIDN'T SEE IT THAT WAY. HE SAID THE RIGHT WING IS VERY SMALL IN ARGENTINA AND THE GOVERNMENT HAS TAKEN STEPS, LIKE THE CLOSING OF THE MAGAZINE CABILDO. HE SAID THE RIGHT EXISTS ONLY AS A POLITICAL FORCE. MRS. DERIAN MENTIONED THAT THE INCIDENT AGAINST THE

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P R 072030Z SEP 77
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 2125
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AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
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LAWYERS COULDN'T HAVE OCCURRED WITHOUT SOME OFFICIAL SUPPORT.

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ADMIRAL MASSERA ASKED WHAT PRESIDENT VIDELA HAD TOLD HER ABOUT THIS INCIDENT AND, WHEN SHE RESPONDED THAT THEY HADN'T DISCUSSED IT, HE SAID THAT INCIDENTS SUCH AS IT COULD BE COUNTED ON THE FINGERS OF YOUR HAND.

10. MRS. DERIAN ASKED WHAT THE CHANCES WERE FOR EITHER A COMPLETE OR PARTIAL REINSTATEMENT OF THE RIGHT OF OPTION. ADMIRAL MASSERA EXPLAINED THAT THIS CONSTITUTIONAL RIGHT HAD BEEN SUSPENDED FOR SIX MONTHS, THAT THIS TIME WAS NEARLY UP, AND THAT THE THOUGHT WAS TO REINSTATE IT. HE EXPLAINED THAT IN THE BEGINNING MANY PEOPLE WERE UNDER EXECUTIVE JUDGMENT AND IT WAS DIFFICULT TO CLARIFY CASES. HE EXPRESSED A DESIRE TO GET CASES MOVING AND BROUGHT TO TRIAL SO THAT THERE COULD BE RELEASES AND A RESTORATION OF THE RIGHT OF OPTION. HE ASKED MRS. DERIAN TO MAINTAIN AN EQUILIBRIUM REALIZING THAT WHILE THESE CASES WERE IMPORTANT, THEY WERE OLD AND FEW AND THE JUNTA WAS ON THE ROAD TO NORMALIZATION.

11. MRS. DERIAN SAID SHE HAD THE SENSE BUT WAS WORRIED ABOUT UNCERTAINTY AMONG LOWER GRADE OFFICIALS AND WONDERED WHETHER

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WHEN THE CHANGES COME THEY WOULD BE DIRECT AND CLEAR SO THAT PEOPLE WON'T FEEL THEMSELVES IN JEOPARDY AND THE PROCESS OF LOCATING THE DISAPPEARED WILL BE ENHANCED RATHER THAN HURT. ADMIRAL MASSERA SAID THE GOVERNMENT COULD, AT LEAST, PUBLISH A LIST IN THE NEWSPAPERS OF ALL THE PEOPLE IT HAD STATING IT DOESN'T KNOW WHAT HAS HAPPENED TO OTHERS. HE SAID THE LIST WOULDN'T BE LONG, THAT SOME LISTS ARE BEING PUBLISHED AND THAT WHILE MANY HAVE BEEN BROUGHT TO TRIAL HE REALIZES THERE ARE SOME IN A GREY ZONE AND THAT THIS HURTS THE GOVERNMENT.

12. MRS. DERIAN ENDED BY REFERRING TO THE HABEAS CORPUS PETITIONS SUBMITTED TO THE EXECUTIVE BY THE SUPREME COURT SAYING IT WAS MUCH ON PEOPLE'S MINDS AND THAT SHE WOULD BE GLAD WHEN ALL THIS WAS OVER. SHE SAID THAT THE REINSTATEMENT OF LEGAL PROCEDURES WOULD CERTAINLY HELP RELATIONS BETWEEN OUR TWO COUNTRIES AND STRESSED THAT WE WERE ANXIOUS TO RETURN TO NORMAL GOOD RELATIONS.

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